

Introduced by Senator Padilla

January 7, 2009

An act to add Sections 1771.3 and 1771.44 to the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

SB 45, as introduced, Padilla. Public works: State Public Works Enforcement Fund.

Existing law generally requires the payment of the general prevailing rate of per diem wages to workers employed on public works projects.

This bill would require the Director of Industrial Relations, with the approval of the Director of Finance, to assess a fee, not to exceed a specified rate, on all bonds issued by the state to fund public works projects, to cover administrative expenses for the enforcement of prevailing wage and apprenticeship requirements on public works projects funded by the bonds.

This bill would require all fees collected to be deposited into the State Public Works Enforcement Fund, a special fund this bill would create, and from which moneys would, upon appropriation by the Legislature, be used by the department for those specified purposes.

This bill would become operative on January 1, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1771.3 is added to the Labor Code, to
2 read:

1 1771.3. The State Public Works Enforcement Fund is hereby
2 created as a special fund in the State Treasury. Moneys in the fund
3 shall, upon appropriation by the Legislature, be used by the
4 Department of Industrial Relations for the purposes of
5 administering and enforcing the prevailing wage and apprenticeship
6 requirements applicable to public works pursuant to this chapter
7 and Chapter 4 (commencing with Section 3070) of Division 3, and
8 may not be used or borrowed for any other purpose.

9 SEC. 2. Section 1771.44 is added to the Labor Code, to read:

10 1771.44. (a) The Director of Industrial Relations, with the
11 approval of the Director of Finance, shall determine and assess a
12 fee on all bonds issued by the state to fund public works projects,
13 in an amount not to exceed one-quarter of 1 percent of the bond
14 proceeds. The fee shall be set to cover the expenses of the
15 Department of Industrial Relations for administering the prevailing
16 wage and apprenticeship requirements on public works projects
17 using those bond funds. All fees collected pursuant to this
18 subdivision shall be deposited in the State Public Works
19 Enforcement Fund created by Section 1771.3, and shall be used
20 only for enforcement of prevailing wage and apprenticeship
21 requirements on projects using bond funds.

22 (b) The administration and enforcement of prevailing wages
23 and apprenticeship requirements is an administrative expense
24 associated with public works construction.

25 SEC. 3. This act shall become operative on January 1, 2010.